

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIFTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 5037 of 2005

Between:

Oduru Venkata Subba Reddy, S/o.Dasaratharami Reddy,
R/o.Padmanabha Satram, H/o.Basavayapalem, Kodavalur

Mandal, Nellore District.

..... PETITIONER

AND

- 1 The District Collector, Nellore.
- 2 The Mandal Revenue officer, Kodavalur Mandal, Nellore District.
- 3 The Environmental Engineer, A.P.Pollution Control Board, Nellore.
- 4 Galla Subba Rao, S/o.Subbaiah,
R/o.Damegunta, Kodavalur Mandal,
Nellore District.
- 5 Galla Krishnaiah, S/o.Chenchaiah,
R/o.Damegunta village, Kodavalur Mandal, Nellore District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, writ or direction more particularly a writ of Mandamus under Article 226 of Constitution of India, declaring the respondents 1 to 3 in not taking steps to stop the pollution being caused by the respondents 4 and 5 by carrying on illegal and unlawful prawn culture without obtaining permission from the competent authority in Acs.5.17 cents in survey Nos.3, 4,6-1 6-2 and Acs.4.39 cents wet land in

survey No.3 and Acs.3.80 cents of wet land in survey No.4 situated in Basavayapalem village, Kodavalur Mandal Nellore District as illegal, arbitrary, unjust and without jurisdiction and also violative of judgments of Honourable Supreme court in Jagannath's case and as well as the Judgment of the Honourable court in Maddileti padma Rrmbabu's case and consequently direct the respondents 1 to 3 forthwith to stop the illegal and unlawful aqua culture by the respondents 4 and 5 in the above extent of land and pass such other order or orders that the Hon'ble court deem fit and proper in the circumstances of the case in the interest of justice.

Counsel for the Petitioner:MR.P.SRIDHAR REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court, at the stage of admission, made the following :

ORDER: (Per the Hon'ble Sri Justice B.Sudershan Reddy)

The gravamen of the complaint in the instant writ petition relates to alleged inaction on the part of the official respondents in taking appropriate action as against respondents 4 and 5 in preventing them from carrying on unlawful prawn culture without obtaining their permission.

We have heard the learned counsel for the petitioner and Sri E.Kalyan Ram appearing on behalf of 3rd respondent and at their request the writ petition itself is taken up for disposal at the admission stage. Rule nisi.

Interests of justice would be met by directing the

3rd respondent herein to make an appropriate enquiry with reference to the representation stated to have been filed by the petitioner herein to take action against respondents 4 and 5 in accordance with law. The 3rd respondent is directed to complete the enquiry within three weeks from the date of receipt of a copy of this order and forward the same to the competent authorities for taking appropriate action in accordance with law. It is needless to observe that we have not expressed any opinion whatsoever on the question as to whether the respondents 4 and 5 are carrying on any illegal aqua culture in the ponds, as alleged by the petitioner in this writ petition. It is a matter for enquiry. It is also needless to state that the respondents 4 and 5 must be heard before any action is taken in the matter. There shall be no order against respondents

4 and 5 without putting them on notice and without affording them an opportunity of hearing.

The writ petition is accordingly disposed of.

(B.SUDERSHAN REDDY,J)

15..03..2005

(C.V.RAMULU, J)

Note: Furnish copy

in three days

(B/o.)

bsc/ts

To

- 1 The District Collector, Nellore.
- 2 The Mandal Revenue officer, Kodavalur Mandal, Nellore District.
- 3 The Environmental Engineer, A.P.Pollution Control Board, Nellore.
- 4 2 CCs to the G.P. for Revenue, High Court of A.P., Hyderabad.
5. 2 CD copies.

..... REGISTRAR

